

**CERTIFICATION OF FACSIMILE TRANSMISSION**

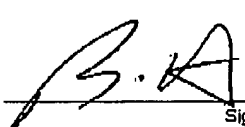
I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below

Frances Doyle  
Type or Print name of sender  
Signature Frances Doyle  
Date 2-28-2007

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) ASSIA 20.502 (056730-00065)	
I hereby certify that this paper is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 pursuant to 37 CFR 1.10 on the date shown below on _____ Express Mail Receipt No.: _____ Signature: _____ Typed or printed name: _____		Application Number 10/620,080	Filed July 15, 2003
		First Named Inventor Ofir ZOHAR	
		Art Unit 2182	Examiner Jasjit S. VIDWAN
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/> applicant/inventor.		Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		Brian E. Hennessey	
<input checked="" type="checkbox"/> attorney or agent of record. 51,271 Registration number _____		212-940-8800	
		Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		6-28-2007	
		Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of <u>2</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

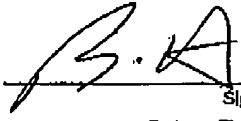
**CERTIFICATION OF FACSIMILE TRANSMISSION**  
I hereby certify that this paper is being facsimile  
transmitted to the Patent and Trademark Office on  
the date shown below

FRANCES DOYLE  
Type or Print name of sender  
Signature Frances Doyle  
Date 2-28-2007

**RECEIVED**  
**CENTRAL FAX CENTER**

FEB 28 2007

PTO/SB/33 (07-05)  
Approved for use through xx/xx/200x. OMB 0661-00xx  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

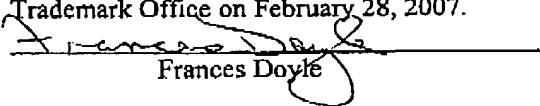
PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) ASSIA 20.502 (056730-00065)	
I hereby certify that this paper is being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 pursuant to 37 CFR 1.10 on the date shown below  on _____  Express Mail Receipt No.: _____  Signature: _____ Typed or printed name _____		Application Number 10/620,080	Filed July 15, 2003
		First Named Inventor Ofir ZOHAR	
		Art Unit 2182	Examiner Jasjit S. VIDWAN
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/> applicant/inventor.		Signature	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/06)		Brian E. Hennessey	
<input checked="" type="checkbox"/> attorney or agent of record. 51,271 Registration number _____		Typed or printed name	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		212-940-8800	
		Telephone number	
		2-28-2007	
		Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input checked="" type="checkbox"/> *Total of <u>2</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9109 and select option 2.

**RECEIVED  
CENTRAL FAX CENTER****FEB 28 2007**Certification Of Facsimile Transmission

I hereby certify that this paper is being facsimile transmitted to (571) 273-8300 at the U.S. Patent and Trademark Office on February 28, 2007.

  
Frances Doyle**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor: Ofir Zohar  
Confirmation No.: 7108  
Serial No.: 10/620,080  
Filed: July 15, 2003  
Title: **Data Allocation In a Distributed Storage System**  
Examiner: Jasjit S. Vidwan  
Group Art Unit: 2182  
Attorney Docket No.: 056730-00065 (ASSIA 20.502)

February 28, 2007

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**ARGUMENTS SUBMITTED IN SUPPORT OF  
PRE-APPEAL BRIEF REQUEST FOR REVIEW**

SIR:

This communication is filed with and in support of a Pre-Appeal Brief Request for Review, requesting a panel review to determine whether the Examiner has established a prima facie case of anticipation with respect to pending claims 1-10 and 23-32.

Claim 1 relates to a method for data distribution that includes, *inter alia*, redistributing the logical addresses among the storage devices in the extended set so as to cause a portion of the logical addresses to be transferred from the storage devices in the initial set to the additional storage device. In claim 1, the redistributing is performed *while maintaining the balanced access* and *while maintaining the same logical addresses for the logical addresses in the initial*

Serial No.: 10/620,080 .

*set of storage devices that are not transferred to the additional storage device.*

The Examiner asserts that United States Patent No. 5,615,352 to Jacobson et al. (hereinafter referred to as Jacobson) discloses all of the features of claim 1. However, Jacobson does not disclose or suggest *maintaining the same logical addresses for the logical addresses in the initial set of storage devices that are not transferred to the additional storage device.*

The Examiner asserts that:

... the original logical addresses for the initial set of storage devices remain the same because Jacobson teaches that when more storage disks are added, only the data that needs to be moved to the new disk is actually transferred ... By moving only the data that needs to be transferred to additional storage device, the logical addresses for the data not moved would remain the same in the initial set of storage devices as it was prior to the addition of storage devices.

(Advisory Action; page 2, last paragraph; citing Jacobson col. 2, lines 9-25). However, this summary of Jacobson completely mischaracterizes the reference. The cited section of Jacobson actually states only that:

According to one method, the physical storage space of the disk array is configured into multiple stripes for storing a predetermined amount of data. The stripes extend across multiple storage disks in the disk array, and are made up of one or more equal sized segments from each storage disk in the disk array. *When more storage disks are added, data from one stripe is moved to a another portion of the physical storage space. The physical storage space containing the stripe is then reconfigured into an expanded stripe for storing data.* This expanded stripe spans across all storage disks, including the new additional storage disks. The expanded stripe is then ready to receive new data. This process is continued stripe-by-stripe until all stripes have been configured to include the new disks. While the stripe is being expanded, the data storage system does not allocate any virtual blocks within the selected stripe.

(Jacobson col. 2, lines 9-25; emphasis added). As is readily apparent from the cited section, Jacobson does NOT teach that only data that needs to be moved to a new disk is actually

R4197849\_1

2

R4197849\_1

3


Serial No.: 10/620,080

part of the expanded storage area, after expansion. In contrast, Applicant's invention recites moving data *only* into the added space, and never moving data within the original storage space after expanding the storage area. Jacobson moves data within the storage space, but not necessarily *only* to the added space.

There is no disclosure in any of the cited sections of Jacobson of performing *load balancing* and *redistributing*, while maintaining the same logical addresses for the logical addresses in the initial set of storage devices that are not transferred to the additional storage device. Therefore, for at least this reason the claims are allowable over Jacobson.

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,

  
\_\_\_\_\_  
Brian E. Hennessey  
Reg. No. 51,271

**CUSTOMER NO.: 026304**  
Phone No.: (212) 940-6311  
Fax No.: (212) 940-8986/7  
**DOCKET NO.: ASSIA 20.502**